S.B.Cr.Misc. IInd Bail App. No.4627/2007

(Mohd. Sharif vs. State of Rajasthan)

Date of order : September 17, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Farzand Ali, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

It is contended by the learned counsel for the petitioner that the petitioner purchased a vehicle from co-accused Anwar Ali and Jafar Ali and, thereafter sold the vehicle to the complainant of this case. There is no allegation against the petitioner committing theft of any of the vehicles. If at all there is any allegation against the petitioner, then the petitioner is alleged to have purchased the vehicle, which was ultimately found to be stolen property and if at all there is any case against the petitioner that would not traverse beyond section 411 I.P.C. It is further contended by the learned counsel for the petitioner that co-accused Anwar Ali and Jafar Ali have been granted bail by a Co-ordinate Bench of this Court vide order dt.29.6.2007 and co-accused Naru Mohammed has been granted bail by this Court vide order dt. 7.9.2007.

Having regard to the facts and circumstances of the case and the fact that co-accused have been granted bail, taking into account the oral arguments advanced by both the parties, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Mohd. Sharif s/o Hanif Khan be released on bail in FIR No.723/2006, P.S. Chittorgarh provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-